

REMARKS

The Examiner has rejected Claim 1. Claim 1 is pending.

Objection to Specification and Rejection under 35 U.S.C. §112:

The Examiner has objected to the specification under 35 U.S.C. §132 and rejected claim 1 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner is concerned with the amendment made regarding the phrase “blister base film thickness greater than the blister side thickness” as allegedly constituting new matter.

Contrary to the Examiner’s belief, although the embodiment defined by the phrase does not appear verbatim within the disclosure, the embodiment described by the phrase nevertheless is supported by the specification.

The Examiner’s attention is invited to page 4 of the Applicant’s specification, for example. The process and corresponding resultant properties or structures are discussed in part. Line 4 recites “controllably stretches (or draws) the film in a manner minimizing stretching of the film located at the base of the blister, i.e., differential stretching.” Again, line 8 recites “The stretching of the laminated film from around the blister rather than from the base in initial movement of the pin...” Page 7, line 10 recites “The stretching of the film around the edges of the blister rather than from the base in initial movement of the pin...”

Minimizing the stretching at the base of a blister and permitting the side edge to stretch will, logically, initially produce a blister having varying thickness in these two regions of a given blister. This is one aspect of the invention – that the film stretch is not exclusively centralized in the middle of the blister base as is the case with conventional methods. Accordingly, the phrase as to blister thickness is supported by the disclosure and does not constitute new matter. This objection and rejection should, therefore, be withdrawn.

Rejection under 35 U.S.C. §103:

Claim 1 was rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Thompson et al. U.S. Patent No. 5,457,895 in view of Intini U.S. Patent No. 4,537,312.

Applicant respectfully traverses this rejection for the following reasons.

The Examiner argues that Thompson teaches the blister pack structure except for a blister base thickness greater than blister side thickness. The Examiner relies upon Intini for such a structure citing Figure 8 and column 4, lines 67-68 of the reference. The Examiner discards the relevance of the claimed process limitations, and concludes that one of ordinary skill in the art would have been motivated to combine Intini with Thompson.

Applicant's claim is a product by process claim whereby the recited process is directly responsible for producing the structural advantage of the product. The Examiner is not, therefore, at liberty to disregard the claimed process language of the claim.

As to Intini, the Examiner has overlooked the claim language in regard to the defined blister structure. Again, the blister thickness portion of the claim reads as follows:

"...wherein said blister comprises a **blister** base film thickness greater than **blister** side thickness..." (emphasis added)

The teachings relied on by the Examiner in Intini, and the passages cited by the Examiner, are directed to the *planar portion of a blister pack*, not the blisters themselves. Indeed, the thicker blister pack sheet edge region is wherein the child safety operative structure is located – the tear initiation point at the edge of the blister pack.

The varying thickness referred to in Applicant's claim is confined to the blister itself. Thus, the Thompson and Intini references, taken alone or in combination, still fail to fairly teach or suggest this structure. It is not seen how one of ordinary skill in the art would have been motivated to combine the thicker edge of Intini with the blister pack of Thompson and arrive at the claimed invention which comprises a *blister* having wall thickness variation. The Examiner has failed to present a combination of teachings that would adequately support a rejection on

obviousness grounds.

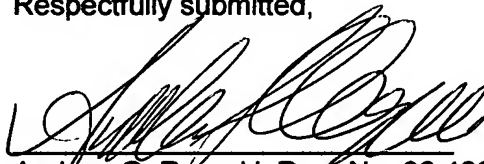
Given the above, the claim invention is not unpatentable in view of the references within the proper meaning of 35 U.S.C. §103. This rejection should therefore, be withdrawn

Conclusion:

In light of the above remarks, it is believed that the application is now in condition for allowance, and prompt notification to that effect is earnestly solicited. The Examiner is invited to contact the undersigned to discuss the application on the merits if it is believed that such discussion would expedite the prosecution.

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Respectfully submitted,



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